IN THE HIGH COURT OF JUDICATURE AT PATNA
CR.MISC. NO.37286 OF 2008
CHHABINATH RAI, SON OF RAMNATH RAI, RESIDENT OF VILLAGE KHAKHARA, POLICE STATION KARGHAR, DISTRICT ROHTAS
VERSUS
STATE OF BIHAR
******

2 10.12.2008 Heard the parties.

Offences alleged are under Section 7 of the Essential Commodities Act.

It is submitted that the allegation is that food grains were found in the possession of this petitioner alleged to be illegally purchased from the Public Distribution System dealer. Learned Counsel for the petitioner further submits that the food grains which were recovered from the possession of this petitioner was commodity open for sale in the market. It is further submitted that only suspicion against the petitioner is that since that food grains were kept in the gunny bags having the marking of FCI and as such this case has been lodged for purchasing illegal commodity from the Public Distribution System dealer. He further submits that the gunny bags having the marking of FCI are also available for sale in the open market just like the bags of cement

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The learned A.P.P. appearing on behalf of the State is not in a position to refuse the submission.

Considering the facts and circumstances of the case, in the event of arrest/surrender before the Court below within

a period of four weeks, the petitioner Chhabinath Rai is directed to be released on bail in Dinara Police Station Case No. 101 of 2008 on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sasaram.

Anand **(Shailesh Kumar Sinha, J.)**

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